

C. FRANK HARSCHER, III
SECRETARY



John Y. Brown, Jr.

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GOVERNOR

Site: A.L. Taylor
Break: 9.1
Other: _____

COMMONWEALTH OF KENTUCKY

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

OFFICE OF THE SECRETARY

FRANKFORT, KENTUCKY 40601

TELEPHONE (502) 564-3350

December 17, 1979

Mr. Tom Devine, Director
Air & Hazardous Materials Division
Region IV
Environmental Protection Agency
345 Courtland, N.E.
Atlanta, Georgia 30308

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Dear Mr. Devine:

On December 4, Acting Commissioner of Environmental Protection, Jack Wilson; Director of the Division of Hazardous Materials and Waste Management, Roger Blair, and I met with James Scarbrough and John Dickinson, of your staff, to discuss the status of the A.L. Taylor site and other hazardous waste matters in Kentucky. At that time we verbally responded to your letter of November 27, which had not yet been received by my office. The purpose of this letter is to summarize those discussions and to advise you of the current status on the A.L. Taylor site.

On November 29, I wrote each of the known generators of material improperly disposed of at the A.L. Taylor site asking for their financial and technical assistance in a first-phase cleanup of the surface of this site. As of this writing, I have obtained positive verbal and some written replies from all of the companies. I expect written confirmation from all within the next week to ten days.

Several companies have proposed plans of their own for their participation in the cleanup effort. As you may know, we have met with them previously on a preliminary basis to discuss our planning activities for the Valley, which began this past August. Negotiation sessions with these companies for determining the details of their proposals will begin immediately. I believe it would be appropriate to have Region IV, US EPA representation at those negotiation meetings, and I have asked Jack Wilson to contact Mr. Scarbrough to arrange such participation.



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I do take issue to one item in your letter of November 27. You have apparently concluded that the empty drums and all debris at the site stacked there by the EPA contractor is hazardous waste. This is a conclusion which I believe is not supported by hard data obtained by EPA or this department. To arrive at such a conclusion in the absence of solid data imposes a potentially unnecessary economic burden on site cleanup plans. I sincerely hope you will reconsider this conclusion and that this matter can be open to further discussions between our two agencies and with the companies assisting with the cleanup of the site.

As you are aware, there are other waste sites which have been of concern to EPA and this department for some time. An administrative hearing resulting in an order of the Secretary was issued to Mr. Don Distler on the Westpoint Brickyard Storage Site earlier this year. On December 10, 1979, a compliance meeting was held with Mr. Distler, the hearing officer, a representative of the Westpoint City Council, and staff of the department. Mr. Distler's cleanup activities were reviewed. He had samples analyzed and was given approval by the department for burning as chem-fuel several hundred drums of volatile liquid materials. That material has now been removed from the site. Mr. Distler reported that he had batch sampled 2,800 drums of solids and semi-solids. Laboratory results were not completed at the time.

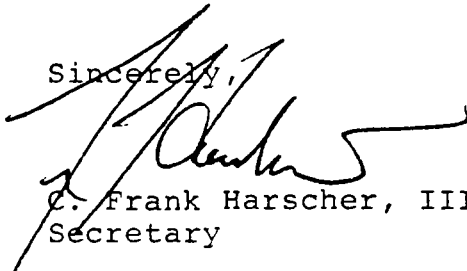
The department requested that, in addition to the tests he proposed, that solids be tested for heavy metals to determine if they might be placed in a conventional landfill or would be required to be taken to a secure landfill for hazardous materials. The department is currently in the process of doing independent sampling of those materials to correlate with the sample results reported by Mr. Distler. Mr. Distler also reported that he is endeavoring to get ChemDyne Corporation of Hamilton, Ohio, to take back approximately 125 drums of material which he received from them and which is stored at the site. These materials have not been opened or tested. It is the intent of this department to actively pursue this matter with Mr. Distler until it is completely cleaned up.

During our discussions with Mr. Scarbrough, he indicated that EPA was now in a better position to obtain legal services from the Department of Justice on hazardous waste sites. It is our suggestion that EPA request the Justice Department to review the files on the Bennie's Last Chance Site, or sometimes referred to as the Distler Farm. This site was the focus of a major surface cleanup effort by Region IV and the Commonwealth of Kentucky one year ago. While the surface area was completely cleaned, we are aware of significant sub-surface burial of material which probably has the greatest potential for groundwater

contamination of any site known to this department. Because it is an abandoned site, it has been the most difficult to deal with legally. It was also connected with the hexa investigation and subsequent prosecution of Mr. Distler for that incident some two years ago. Therefore, there is already a great volume of material available to the Justice Department within that case file. You may wish to contact Hugh Archer, of our General Counsel's Office for further details on this case.

We appreciate your continued interest and assistance in these matters and assure you that it is the intent of the Commonwealth of Kentucky to pursue cleanup of these sites and enforcement action to the maximum extent possible within the limits of our resources.

Sincerely,



C. Frank Harscher, III
Secretary

CFH:vj

cc: Jack A. Wilson
Rick Jones
Roger Blair ✓
Hugh Archer